## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA ROBERTO DURAND, Case No. 3:22-cv-00237-LRH-CSD Petitioner, ORDER v.

Respondents.

Petitioner Roberto Durand, a *pro se* Nevada prisoner, submitted a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 and an application for leave to proceed *in forma pauperis* ("IFP"). (ECF Nos. 1-1, 3.) On May 31, 2022, this Court determined that Petitioner's application for leave to proceed IFP was incomplete and instructed him to submit a complete application or pay the \$5 filing fee within 45 days. (ECF No. 4.) Petitioner has again filed an incomplete application for leave to proceed IFP. (ECF No. 5.) While he has included (1) a financial declaration and acknowledgement, and (2) a financial certificate, he has not included a copy of his account statement for the six-month period prior to filing. (*See id.*)

Petitioner will again have 45 days from the date of this order to file a complete application for leave to proceed IFP application with all required documentation or, alternatively, pay the \$5 filing fee.

## IT IS THEREFORE ORDERED:

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WILLIAM RUEBUART, et al.,

- 1. Petitioner's applications for leave to proceed IFP (ECF Nos. 3, 5) are **DENIED**.
- 2. The Clerk of Court is instructed to send Petitioner a blank form IFP application for incarcerated litigants along with *two* copies of this order.

- 3. Within 45 days of the date of this order, Petitioner must file a complete IFP application that includes a: (a) financial certificate signed by Petitioner and an authorized prison official, (b) financial declaration and acknowledgement signed by Petitioner, and (c) copy of Petitioner's inmate account statement for the sixmonth period prior to filing. Alternatively, Petitioner must pay the \$5 filing fee within 45 days. If Petitioner decides to pay the filing fee from his inmate account, he must arrange to have a copy of this order attached to the check for the filing fee.
- 4. Petitioner's failure to comply with this order within 45 days by (a) submitting a complete IFP application, or (b) paying the filing fee will result in the dismissal of this action without prejudice and without further advance notice.

DATED this 13th day of June 2022.

UNITED STATES DISTRICT COURT